

## **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY, a  
Pennsylvania corporation,

**FEDERAL INSURANCE COMPANY'S  
SUPPLEMENTAL ANSWER TO  
INTERROGATORY NO. 17**

Defendants.

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To: Plaintiff and its attorneys, Allen Hinderaker, Heather Kliebenstein, and Michael A. Erbele, Merchant & Gould PC, 3200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402.

Defendant Federal Insurance Company ("Federal"), for its Supplemental Answer to Plaintiff's Interrogatory No. 17, states and alleges as follows:

**GENERAL RESPONSES**

1. Federal objects to the Definitions and Instructions to the extent that they seek to impose obligations on Federal that either exceed, or are different from, what is required under the Federal Rules of Civil Procedure, District of Minnesota Local Rules, and the Stipulated E-Discovery Order.

2. Federal's responses and objections are made to the best of Federal's present knowledge, information, and belief. Federal's responses and objections are limited to information within its possession, custody, or control. Federal reserves the right to

amend, supplement, or change any responses and objections if and when additional, different, or more accurate information becomes available and/or facts are developed.

3. Federal gives these Responses subject to all objections to admissibility that may be interposed in this proceeding.

**SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 17**

**INTERROGATORY NO. 17:** For all insurance policies in connection with which the Blaze Advisor® software was used, the gross written premium of Federal and the gross written premium of each related company, including the specific identification of each related company, for each quarter from March 30, 2016 to date. For clarity, this Interrogatory is not seeking investment income, other income, or capital and surplus accounts.

**SUPPLEMENTAL ANSWER:** Federal objects to the request for “all” insurance policies as overbroad, unduly burdensome, and not proportional to the needs of this case. Federal also objects to this Interrogatory as compound and impermissibly constituting multiple interrogatories, which are limited in number under the Federal Rules. In seeking “[f]or all insurance policies...the gross written premium of Federal,” this Interrogatory is vague, nonsensical and does not allow for a response. Federal also objects to this Interrogatory as ambiguous in failing to identify the relevant “use” and calling for insurance policies “in connection with.” Federal further objects to this Interrogatory because “the gross written premium of Federal and the gross written premium of each related company” are not relevant to any claim or defense in this action, including because Federal’s profits are not reasonably related to the alleged infringement, as is necessary for FICO to obtain an award of the defendant’s profits. *See, e.g., Francois v. Ruch*, 2006 WL 3735950, at \*3 (C.D. Ill. Dec. 15, 2006). Federal further objects to the

extent the Interrogatory seeks information not in the possession, custody, or control of Federal, and thus exceeds the scope of discovery under Federal Rule 26(b)(1).

Subject to, and without waiving these objections, Federal states the following:

- For the Financial lines unit, the following applications use Blaze Advisor® software: CSI eXPRESS (Automated Renewal Process). The 2017 gross written premiums from the issuance of insurance policies that used those applications, in connection with which the Blaze Advisor® software was used, is approximately \$863,000,000. The number of policies that were issued using those applications, in connection with which the Blaze Advisor® software was used, is approximately 81,000. Discovery is continuing.

Dated: October 26, 2018

s/Terrence J. Fleming

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*Attorneys for Defendants*

**VERIFICATION**

Kristen A. SanGiacomo states under oath that she is a NA Financial Lines Business Architect, Vice President; that she is authorized to respond to Plaintiff's Interrogatory No. 17 on behalf of Federal Insurance Company; that she has relied on directors, employees, agents, and attorneys to provide information used in formulating the answer to the above interrogatory; and that the answers are true and correct to the best of her knowledge.

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Kristen A. SanGiacomo

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Notary Public